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Thermopolis  
Hot Springs

# Independent Record

SPECIAL INTERNET PREVIEW

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## Commissioners upset about Trane project

by Cindy Glasson

Hot Springs County Commissioner Mike Baker had no problems Tuesday expressing his displeasure with the managing contractor for Trane regarding the lack of heat on the first and second floor of the county courthouse.

Initially, the heat pump installation for the courthouse was supposed to happen in a couple of months when the weather got warmer; however, for unknown reasons, the schedule was moved up.

"This is not what was supposed to happen," Baker said. "Our maintenance supervisor is having to be pulled off his duties to take care of this. What are you going to do about heat in the building right now?"

The contractor said there was no immediate plan of action, but one solution could be finding mobile heating units to bring into the building until the situation was corrected.

Baker also questioned why the manager had not been on site since April 2.

"I want to start action to protect this county from people who do not keep their word," Baker said. "You haven't appeared for a full week. Someone should be supervising this project and if you're not here, I don't think we should be paying anything to Trane."

"Temperatures here are in the 30s. This is absolutely improper."

County Attorney Jerry Williams added that he recalls a section of the original contract with Trane that stated normal temperatures would be maintained during construction.

This is apparently not the only issue with Trane, either.

A furnace ordered for the Hot Springs Counseling Center was found to be the wrong type when it was

delivered and had to be exchanged. In addition, the heater for the clerk's office is the wrong size and will have to be replaced as well.

On the lighter side, the project to replace or upgrade lighting in the various buildings is on schedule with crews expected to arrive on Monday.

Trane said the crews would be working 12 or more hours each day to get the lighting project completed as soon as possible.

**Lane 3 project update**

With the completion of the project on Lane 3, the time has arrived for the county to dispose of a plot of land it purchased in order to have the room to widen the entrance to the road for semi-trucks and other oversized traffic.

Williams suggested the commissioners have a market analysis done by two separate entities and then put the plot up for auction to the public.

"I really don't care how it's done," Williams said, "but I would like to see a set price that will have to be met before the land is transferred."

Currently, there are some items on the property that belong to Zupan Electric, and part of the deal would allow Zupan up to two weekends from the date of the sale to remove those items.

The public auction will be held at the County Annex on Tuesday, May 21 at 3 p.m.

Zupan was in attendance at the commissioners' meeting and approached them with a complaint about loss of utilization of parking in the area of his business on Lane 3.

"When I was approached about this project I was all for it," Zupan said, "but it's a real hardship

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### Prom king and queen



Daxon Schwab is crowned king and Dhestinny Rangel is announced as queen during the 2013 Prom Grand March Saturday evening in the school auditorium. See page 3 for a photo of the 2013 Prom Royalty. — J.D. Stetson photo

## Partial settlement reached in horse killing lawsuit

A U.S. District Court lawsuit pertaining to the Aug. 10, 2010, killing of a horse by a former employee of the Hot Springs County Sheriff's Office has resulted in a settlement from the former undersheriff involved in the shooting.

The lawsuit, filed by Chris and Larry Bentley as plaintiffs, names Hot Springs County Sheriff Lou Falgoust in his official capacity and former Undersheriff Dave Larson in his individual capacity as defendants. When the suit was originally filed in September, it only named Larson in his individual

capacity as a defendant.

In a judgment filed April 10, 2013, U.S. District Court Judge Scott W. Skavdahl noted the formal offer of Larson to settle his part of the lawsuit for \$2,700 plus the plaintiff's attorney fees and recoverable court costs.

Skavdahl ordered Larson to pay the settlement and an amount that will later be determined by the court for the recoverable court costs and legal fees.

The Bentleys filed their initial complaint against Larson Sept. 26, 2012, which details the facts of Larson's in-

volvement of the killing of the horse, who was named "Bud" by the plaintiffs, and the contended damages incurred.

On April 2, the Bentleys filed a "first amended complaint" adding Falgoust, and by extension the Hot Springs County Sheriff's Office, to the lawsuit.

The plaintiffs contend the sheriff adopted deficient training, policies, procedures and customs that led to Larson's shooting of the horse. The complaint cites a deposition that took place March 13 where Falgoust testified about the sheriff's office's Animal

Killing Policy and peace officer training that was in effect at the time of the killing of the horse. A direct transcript of the deposition is currently unavailable.

According to the amended complaint, Bentleys contend the official policies of the department "were the moving force behind, and caused, provided for and/or tolerated commission of unconstitutional acts by its peace officers. These unconstitutional acts include but are not limited to: deprivation of private property, i.e. livestock, of Hot

Springs County residents without due process of law," the complaint reads.

The complaint seeks monetary damages for the contended violation of the Bentleys' Fourth and Fourteenth Amendment rights under the U.S. Constitution.

The amended complaint asked for an award of compensatory and punitive damages, as well as attorney fees and incurred costs and any other relief the court deems just and proper. The complaint also demands a jury trial on all of the claims and factual issues.

### Health Fair test



Bill Gordon tries his hand at shooting a mosquito at a booth manned by Ray Shaffer at the Thermopolis-Hot Springs Kiwanis Health Fair Saturday at Thermopolis Middle School. Various booths promoting health services offered attendees information and resources for a healthy living. — J.D. Stetson photo

## Chamber collecting 3-on-3 sign-ups

by J.D. Stetson

The Thermopolis-Hot Springs Chamber of Commerce Board of Directors met Thursday, April 11, to discuss the upcoming 3-on-3 Basketball Tournament, review earnings from the Chamber Banquet and Harlem Ambassadors and discuss summer opening/closing hours.

The chamber has started various advertisements across the region and state for the annual basketball tournament May 4-5 in downtown Thermopolis.

Chamber staff and board members continue to seek sponsorships for the tournament and are in the process of getting registration updates from World Events, a Colorado company contracted to provide equipment and run the tournament.

Executive Director Amanda Moeller said Monday the chamber currently has registration forms available at the chamber office. At the time of the board meeting, the chamber was still awaiting delivery of the forms.

Participants can also register online at [www.HoopWorldBasketball.com](http://www.HoopWorldBasketball.com).

**Banquet and Ambassadors**

During the Chamber Banquet, Past President Donna Nally presented the President's Award to Steve Nally, who is her husband and the master distiller at Wyoming Whiskey.

The chamber sold about 150 tickets for the

See Chamber on page 11

## Council approves Centennial funding

by J.D. Stetson

The Thermopolis Town Council approved a \$1,500 request from the Hot Springs County Centennial Committee to help cover the cost of the Centennial gunfighters entertainment and to provide disposable utensils, cups and plates for the Centennial barbecue in Hot Springs State Park. The Centennial Celebration is June 22.

The council had asked the committee to clarify a previous request made at a prior meeting regarding advertising funding for the event.

At a previous meeting, the committee approached the council with a wish list of advertising options, where the cost could have reached up to \$12,000.

Tracy Linko, a spokeswoman for the committee, said the committee has refined its advertising

budget to \$3,940.

Linko said the committee plans to buy statewide advertising through the Wyoming Press Association and provide advertisements at local restaurants in time for major events such as the 3-on-3 Basketball Tournament.

The committee also plans to reimburse the Thermopolis Cowboy Rendezvous Committee for advertising resulting from the partnership.

Councilman Tony Larson suggested the town provide the full request because the town is not required to donate for Fourth of July fireworks this year. Last year, a fire ban prevented the Thermopolis Volunteer Fire Department from having the display, and the funds for the 2012 display may be used to cover the costs for the 2013

display.

Mayor Bill Malloy insisted the committee work with the town attorney to draft a contract detailing the service to the town for the one-time donation.

The council approved the donation subject to the completion of the contract.

**Street closure**

Tom Williamson of Stop Light Pizza requested a road closure on Seventh Street between Broadway and Warren streets for May 4 in order to start a summer concert series.

The concert would last between the hours of 5 and 10 p.m. and would be completely shut down at 10 p.m. to lessen any noise impact on homes in the neighborhood, Williamson said.

See Council on page 11



# Chamber

event and raised about \$2,800 in net revenue. The figure does not yet include revenue from the Tiki Bar.

Board members said they heard positive feedback from attendees at the banquet and discussed ways to improve participation next year.

The board also discussed changes next year so that the chamber does not have as much leftover food. The chamber was able to donate leftover condiments and food to the Senior Center after the banquet.

Chamber members also received positive feedback on hosting the Harlem Ambassadors.

Moeller said the chamber sold more than 480 tickets to the event, but had only been expecting about 250 people.

Board President Meri Ann Rush said she was impressed with the school program earlier in the day made possible by help from the Greater Learning Foundation and all of the schools. The program was delayed a few hours due to the Ambassadors' vehicle sliding off the road while traveling over the Big Horn Mountains that morning.

She said the Ambassadors also impressed a good message

on the children.

The chamber expected the venture to be a break-even event that would benefit the community, but the ticket sales yielded about \$900 in net-revenue for the chamber due to the large turnout.

### Summer hours

The board discussed changing summer hours in order to target specific times where high tourist traffic is expected.

Last summer, the chamber opened earlier in May and stayed open during the weekends through mid-September.

The board discussed the number of people who came into the office between 8 and 9 a.m. and decided the low numbers did not warrant a change in opening times this summer.

Board members decided to make changes pending consultation with the Thermopolis-Hot Springs County Lodging Tax Board regarding funding for a summer position.

Starting the Friday before Memorial Day and ending the Monday of Labor Day, the chamber plans to be open from 9 a.m. to 6 p.m. Monday through Saturday and from 10 a.m. to 4 p.m. on Sundays.

The board also decided to suspend the chamber's Cash Mob program at least for the summer partly due to busy summer weekends and partly due to lack of participation.

Board member Dixie Vialpando suggested that if the board resumes Cash Mobs in the fall, it needs to rethink the program in order to make it more affordable and easier to attend.

### Demolition Derby

Vialpando also discussed some of the early preparations for the Demolition Derby in August.

One of the topics was the need for volunteers for the annual event. Vialpando suggested writing a letter to member businesses asking the business to volunteer at least one employee for the derby.

She said the town has many volunteers who can work, but they don't realize that they are welcome at such an event. Some of the volunteer duties specifically mentioned included gatekeepers and ticket takers.

Vialpando also suggested the chamber provide locally bought T-shirts to the volunteers in order to thank the volunteers for their help.

## Centennial fundraiser



**Darv Jemming smiles while grabbing a plate of spaghetti Saturday at the Centennial Celebration fundraiser at the VFW. Centennial T-shirts, caps and sticky notes are available for purchase at the Hot Springs County Museum and Cultural Center.**

# Council

The series would take place the first Saturday of each month in summer with different bands playing each month. He said the events will be alcohol-free and are meant to appeal to families and teenager audiences.

The council approved the sin-

gle road closure in May in order to gauge how the first concert goes before approving further closures.

### 14th Street project

The council approved a request from LAMAX Construc-

tion, Inc. to delay the start of the 14th Street water line replacement project until July 8.

The 14th Street project will replace older water line starting in front of the Thermopolis Volunteer Fire Department and head south to Canyon Hills

Road. The project will continue east on Canyon Hills Road until the intersection with Highway 20 South.

The reason for the delay is for the contractor to save money on insurance coverage by starting the 14th Street project imme-

diately following completion of the Broadway Street water line project versus working on both projects at the same time.

Engineer Anthony Barnett did not foresee any issues with the delay, and the council approved pushing back the start

date on the project.

The council has already given LAMAX notice to proceed on the Broadway Street project, which will start at Third Street and continue east until it crosses the Big Horn River and connects to East Thermopolis.

# Public notices

STATE OF WYOMING )  
 )ss. IN THE DISTRICT COURT  
 ) FILED  
 ) MAR 29 2013  
COUNTY OF HOT SPRINGS ) FIFTH JUDICIAL DISTRICT

IN THE MATTER OF THE NAME )  
CHANGE OF DEBORAH DAVIS-BROWN ) CIVIL ACTION NO. C13-23

### PETITION FOR NAME CHANGE

COMES NOW, Deborah Brown, of lawful age, and being first duly sworn up his/her oath, petitions and shows the Court as follows:

1. Petitioner's full name, by which he/she is and has been known, is Deborah Kay Davis-Brown.
2. Petitioner was born on April 9, at 11:30 in Denver County, Denver, Colorado.
3. Petitioner was married on the 22 day of December, 1990, in Loveland, CO, Larimer County, CO.
4. Petitioner desires her current name to be legally changed to the name of Deborah Davis Brown, for the reason as follows: Consistency of paperwork.
5. Petitioner has been an actual bona-fide resident of Hot Springs County, Wyoming for a period in excess of two years, pursuant to W.S. §1-25-102.
6. This petition is made pursuant to W.S. §1-25-101 ET seq. (1977). WHEREFORE, Petitioner prays the Court for an Order changing name to the name of Deborah Davis Brown.

STATE OF WYOMING )  
 )ss. Verification  
COUNTY OF HOT SPRINGS )

The undersigned, being the Petitioner herein, being first duly sworn upon his/her oath, deposes and says that she has read the above and foregoing Petition, knows the contents thereof, and that the facts and statements contained therein are true and correct to the best of her knowledge.

/s/  
Deborah Brown  
Petitioner

Subscribed and sworn to before me personally by Deborah Brown on the 29 day of March, 2013.

WITNESS my hand and seal.

/s/  
Rosemary DeSeyn  
Notary Public

My Commission Expires: 3-10-15.

Pub. April 4, 11, 18 and 25, 2013 No. 6806

### SEALED QUOTE REQUEST

The Board of Trustees of Hot Springs County School District No. 1, Thermopolis, Wyoming will receive sealed quotes for the following:

To furnish to Hot Springs County School District No. 1, general purpose financial statements and audit reports as required by the State of Wyoming for a three (3) year period beginning with the 2012-2013 fiscal year and ending with the 2014-2015 fiscal year.

Sealed quotes marked "Audit Quote" will be accepted at the Business Office, 415 Springview, Thermopolis, Wyoming 82443, **until 3:00 p.m. Friday, May 3, 2013.**

Awarding of the contract for audit will take place at the regularly scheduled Board of Trustees meeting on May16, 2013 at 7:00 p.m. in the Board Room, 415 Springview, Thermopolis, WY 82443.

A letter indicating acceptance of a quote will be sent to the successful firm once approved by the Board of Trustees of Hot Springs County School District No. 1.

Preference shall be given to Wyoming vendors pursuant to provisions of Chapter 6, Title 16 of Wyoming State Statutes. Hot Springs County School District No. 1 reserves the right to reject any and/or all quotes and is not obligated to accept the lowest quote.

/s/ Elizabeth Mahoney  
Chairman, Board of Trustees

Pub. April 4, 11 and 18, 2013 No. 6803

### NOTICE OF SALE

The following vehicles will be sold at Sheriff's public auction on the front steps of the Hot Springs County Courthouse, 415 Arapahoe Street, Thermopolis, Wyoming, on April 30, 2013, at 11:00 a.m. This sale is to satisfy abandoned vehicle costs on the listed vehicles by Auto and RV Specialties, Inc. in the amount specified, plus all reasonable costs incurred for the sale of the vehicles.

Name	Vehicle Description	VIN#	Amount
Michael or Vivian Farmer	1993 Pontiac Bonneville	1G2HX53L9P1246717	\$800.00
Michael Miller	1992 Geo Metro	2C1MR6468N6812215	\$1,067.00
Shoshoni Utility Organization	1993 Ford F-150	1FTEX14NXPKB91678	\$804.00
Jerry Johnson	1993 Ford Explorer	1FMDU34X2PUB69210	\$1,038.00
Misti Williams	1999 Lincoln Town Car	1LNHM81W5XY708650	\$1,200.00
Grigory Gustav	1994 Nissan Maxima	JN1HJ01F0RT231871	\$850.00

Pub. April 18 and 25, 2013 No. 6813

### NOTICE OF SALE

Pursuant to Wyoming Statute 29-7-101 through 29-7-106, please be informed I am entitled to a legal lien against your 1984 Chevrolet Camaro (VIN#1G1FP21EXKL191139) arising from \$1,260 for storage.

Under the authority of 29-7-105, I am entitled to sell the property in order to recover the amount of the lien. At present the amount due is \$1,260.00.

You have 10 days from your receipt of this letter to satisfy the lien. You may accomplish this by paying the amount of the lien and all reasonable expenses incurred by me in order to satisfy the lien.

If the lien is not satisfied the vehicle and contents listed above will be sold at a public auction on the 30th days of April, 2013, at 11 a.m. on the steps of the Hot Springs County Courthouse, Thermopolis, Wyoming.

Cody Hensley

Pub. April 18 and 25, 2013 No. 6817

### NOTICE OF PUBLIC HEARING

Lawrence Burgess has requested approval from Hot Springs County for a Home Occupation Permit, to conduct retail sales and service of firearms from his residence south of Thermopolis. The subject property is a 5.0 acre parcel located in the northeast quarter of the southeast quarter of Section 14, 24, Township 42 North, Range 95 West, approximately 3.5 miles south of Thermopolis. It fronts on the west side of State Highway 20 South, approximately 1,000 ft. north of Rimrock Drive (County Road 35), and contains a residence addressed as 352 Hwy. 20 South.

A public hearing on this matter will be held before the Hot Springs County Land Use Planning Commission at 6:15 p.m. on Wednesday, April 24, 2013 in the Commissioners' Meeting Room of the County Annex Building. Anyone requiring additional information should call the County Planning Office at 864-2961. Those unable to attend are invited to comment in writing to: *County Planning, 415 Arapahoe St., Thermopolis, WY 82443*, or by e-mail at [hscplanner@hscounty.com](mailto:hscplanner@hscounty.com).

Pub. April 11 and 18, 2013 No. 6810

### NOTICE OF EXECUTION SALE

Notice is hereby given that a Civil Judgement was rendered in the District Court of the Fifth Judicial District, Hot Springs County, Wyoming, civil action number C08-30, whereby Rocky Mountain Recovery, Inc., was Plaintiff and Delbert Peters was Defendant, and such Judgement was rendered in favor of the Plaintiff and against the Defendant with the cur-

rent balance owing in the sum of \$6,134.16, plus costs and accruing interest, and the undersigned Sheriff, pursuant to an execution issued by such Court, has levied on the following described property:

2000 silver Chevrolet K1500 Pickup/VIN #1GCEK19T4YE241609  
42" Hisense Television/Serial #3TD42J1147122915729

Notice is further given that said property is currently being stored by Hot Springs County Sheriff's Office and that the undersigned Sheriff or his representative, pursuant to said Judgement, will sell the above described property at public sale, to the highest bidder for cash on the steps of the Hot Springs County Courthouse, 415 Arapahoe, Thermopolis, Wyoming, on the 30th day of April, 2013, at the hour of 11:00 a.m.

Dated this 28th day of March, 2013.

Hot Springs County Sheriff's Office  
Lou Falgoust, Sheriff

Pub. April 18, 2013 No. 6814

### NOTICE OF SALE

There is a 2007 Mini Cooper, red, VIN# WMWMF33547TT58815 that will be sold at Sheriff's public auction on the front steps of the Hot Springs County Courthouse on April 30, 2013, at 11:00 a.m. This sale is to satisfy a lien against Michael & Jesse McManis for storage and/or repair on the above listed vehicle by Finishing Touches in the amount of \$9,178 and all reasonable sale expenses.

Pub. April 18 and 25, 2013 No. 6816

### NOTICE OF SALE

Pursuant to Wyoming Statute 29-7-101 through 29-7-106, please be informed I am entitled to a legal lien against your 1972 Ford F600 2 Ton truck (VIN#F60DVN20460) arising from \$1,260 for storage.

Under the authority of 29-7-105, I am entitled to sell the property in order to recover the amount of the lien. At present the amount due is \$1,260.00.

You have 10 days from your receipt of this letter to satisfy the lien. You may accomplish this by paying the amount of the lien and all reasonable expenses incurred by me in order to satisfy the lien.

If the lien is not satisfied the vehicle and contents listed above will be sold at a public auction on the 30th day of April, 2013, at 11 a.m. on the steps of the Hot Springs County Courthouse, Thermopolis, Wyoming.

Cody Hensley

Pub. April 18 and 25, 2013 No. 6818

### NOTICE OF EXECUTION SALE

Notice is hereby given that a Civil Judgement was rendered in the Circuit Court of Hot Springs County, Wyoming, civil action number CV-2012-0120, whereby Rocky Mountain Recovery, Inc., was Plaintiff and Cindy Glasson was Defendant, and such Judgement was rendered in favor of the Plaintiff and against the Defendant with the current balance owing in the sum of \$2,028.67, plus costs and accruing interest, and the undersigned Sheriff, pursuant to an execution issued by such Court, has levied on the following described property:

2005 white Jeep Liberty/VIN #1J4GL58K35W642557

Notice is further given that said property is currently being stored by Hot Springs County Sheriff's Office and that the undersigned Sheriff or his representative, pursuant to said Judgement, will sell the above described property at public sale, to the highest bidder for cash on the steps of the Hot Springs County Courthouse, 415 Arapahoe, Thermopolis, Wyoming, on the 30th day of April, 2013, at the hour of 11:00 a.m.

Dated this 28th day of March, 2013.

Hot Springs County Sheriff's Office  
Lou Falgoust, Sheriff

Pub. April 18, 2013 No. 6815